

SELF SERVICE CENTER

PROCEDURES: HOW TO GET A DEFAULT HEARING

STEP 1: COUNT DOWN PERIOD

- ✓ **BEGIN COUNTING THE DAY AFTER** the other party was served with the PETITION/COMPLAINT. Look at the Default Timetable to find the method of service you used and the number of days you should count.
- ✓ **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count **that** day.
- ➡ **If the other party files a Response/Answer with the court, YOU CANNOT GET A DEFAULT HEARING.**

DEFAULT TIMETABLE

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service in Arizona	24 Days	after the other party signs the "Acceptance of Service"
Process Server in Arizona	24 Days	after other party receives papers from a process server
Sheriff in Arizona	24 Days	after other party receives papers from Sheriff
Acceptance of Service out of State	34 Days	after the other party signs the "Acceptance of Service"
Process Service out of State	34 Days	after other party receives papers from a process server
Sheriff out of State	34 Days	after other party receives papers from Sheriff
Registered Mail out of State	34 Days	after other party signs a Green Card
Publication	64 Days	after the 1st date of publication

STEP 2: COURT PAPERS. Complete the **"Application and Affidavit for Default"** in this packet.

STEP 3: SIGN, NOTARIZE & COPY APPLICATION

- SIGNATURE:** Go to a Notary Public and sign the **"Application and Affidavit for Default."** Bring a picture ID with you to the Notary Public. **Make sure** you date the **"Application and Affidavit for Default"** with the date you are signing it. Do **not** go to the Notary Public or sign the **"Application and Affidavit for Default"** before the right amount of time has passed.
- COPIES:** Make **two copies** of your **"Application and Affidavit for Default"** after you and a Notary sign it:

STEP 4: FILE AND MAIL

FILING: Bring the original and two copies of your documents to the Clerk of the Superior Court at:

Central Court Building 201 West Jefferson Street 1st Floor Phoenix, Arizona 85003	OR	Southeast Court Facility 222 East Javelina Drive 1st Floor Mesa, AZ 85210-6201	OR	Northwest Court Facility 14264 W. Tierra Buena Lane Surprise, Arizona 85374
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CLERK: **Hand to the person at the filing counter** the original & both copies of the **"Application and Affidavit for Default"**. The Clerk will keep the original. The Clerk will stamp both sets of copies and return them to you. **Make sure** you have **both** copies stamped.

MAIL: **Mail or hand-deliver one of the copies** of the Application and Affidavit for Default to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

READ: If your case is a Family Court case, proceed with Steps 5, 6 and 7, which **only** apply to Family Court cases.

STEP 5: HOW TO GET A DEFAULT HEARING

FOR FAMILY COURT CASES ONLY:

- **Fill out the form called “Request for a Default Hearing.”** The form and instructions on how to fill out the form are in this packet. Mail the completed form, with a 4x9”, #10 business envelope, self-addressed to the Petitioner and stamped with 3 current standard postage stamps as follows:

If your case was filed in downtown Phoenix, mail the material to:

Superior Court of Arizona in Maricopa County
Family Court Administration
ATTN: FILE REVIEW DEPARTMENT
201 West Jefferson, CCB, 6th Floor
Phoenix, Arizona 85003

If your case was filed in Mesa, mail the material to:

Superior Court of Arizona in Maricopa County
Family Court Administration
ATTN: COURT ADMINISTRATION
222 East Javelina Drive, 2nd Floor
Mesa, Arizona 85210

- If your case was filed in Surprise, mail the material to:
Superior Court of Arizona in Maricopa County
Family Court Administration
ATTN: COURT ADMINISTRATION
14264 West Tierra Buena Lane
Surprise, Arizona 85374

WARNING. If your request is received **without** a self-addressed, stamped envelope, your request will be rejected. **No notice** will be sent to you of the rejection.

- **After you have completed the “Request for Hearing” form** and returned the form to the court, court staff will review your file to be sure that all the necessary child support papers are in the file, and that your case is ready for a default hearing.
- **What will happen next and how long will it take?**
 - A. If your case is ready for a default hearing, you will receive a green notice with a court date and instructions in the mail, **OR**
 - B. If your case is set for a default hearing but you need to fix a problem before the hearing, you will receive a yellow notice with a court date and instructions in the mail, **OR**
 - C. If your case is not ready for a default hearing, you will receive a red notice with instructions on what to do next in your case to set a default hearing, or if you cannot get a default hearing.

It takes approximately 4-5 weeks for staff to get all the papers in your file, individually review your file, and complete the RED, YELLOW, or GREEN notice to you.

- **If you need an interpreter** in a language other than English at the default hearing, tell the person at the Family Court Administration counter or in the space provided for in the form, the language and dialect you need the interpreter to speak.

STEP 6: CHILD SUPPORT. IF YOU HAVE CHILDREN, AND YOUR CASE INVOLVES CHILD SUPPORT, AND YOU **DO NOT** ALREADY HAVE A TEMPORARY ORDER OF CHILD SUPPORT, YOU **MUST** DO THE FOLLOWING THINGS:

- **HELP. Only the Petitioner must** go to the Family Court Clerk Services office prior to your default hearing to get help with the child support papers and/or to have your support calculations reviewed. You will receive a notice from the court that tells you when your appointment will be. This is required for all default judgments with children cases except when service by publication is used. **IF YOU DO NOT GO TO YOUR FAMILY COURT CLERK SERVICES APPOINTMENT, YOUR DEFAULT HEARING WILL BE CANCELED.** If the Respondent shows up at this appointment, he/she will be asked to leave. If the Respondent does **not** agree with the Petition, he/she should see a lawyer for help and file a timely written Response/Answer.
- **Go to the Family Court Clerk Services appointment.** You will need to take all of your court paperwork, and you must have the following information:
 - (1) Gross monthly income for the other party and yourself, and from what source. (If you do not know, you will be asked what the last known income was, OR what his/her/your earning capability is, OR minimum wage will be used for the calculations.)
 - (2) The other party's Social Security Number, employer's name, address and telephone number.
 - (3) Your child(ren)'s Social Security Number(s), and any financial information you have about the child(ren) such as day care costs, medical insurance premiums, and any other financial information you might have.
 - (4) Bring an envelope (9"x12") addressed to the other party and stamped for mailing with **three** current standard postage stamps.
 - (5) **A copy of your Decree/Order/Judgment. If you forget to bring this document with you, your appointment will be canceled.**
- **DO NOT BRING CHILDREN TO THIS APPOINTMENT.** The Petitioner or the person who wants the default hearing, is the **only** person who needs to go to this appointment. If you need an interpreter, you must **provide your own** interpreter for your Family Court Clerk Services appointment.

AT YOUR APPOINTMENT: FAMILY COURT CLERK SERVICES will calculate the child support amount for you and make sure your child support papers are in order for your default hearing. They will help you prepare the child support documents, based on the information you bring to the appointment. If you complete the papers on your own, they will check the child support information (only) for accuracy.

- (1) **"PARENT'S WORKSHEET FOR CHILD SUPPORT"**
- (2) **"DECREE/JUDGMENT"** with Child Support information
- (3) **"ORDER OF ASSIGNMENT"**
- (4) **"JUDGMENT DATA SHEET"**

STEP 7: PARENT INFORMATION PROGRAM CLASS. IF YOU FILED COURT PAPERS FOR A DIVORCE, LEGAL SEPARATION, OR ANNULMENT WITH CHILDREN, PETITIONS TO ESTABLISH CUSTODY AND/OR VISITATION, AND/OR A PATERNITY CASE WHICH INVOLVES CUSTODY AND/OR VISITATION, **ON OR AFTER JANUARY 1, 1997:**

Parent Information Program. The person asking for the default hearing, **must** attend the Parent Information Program class and file the **"Certificate of Completion"** before that person can get a default hearing. Both the Petitioner and the Respondent to a **"Petition for Divorce or Legal Separation, With Children"** or **"Complaint for Paternity With a Request to Determine Custody or Visitation or Child Support"** filed on or after January 1, 1997, are required to attend the Parent Information Program class and file a **"Certificate of Completion"** with the court, unless otherwise ordered by the court. If you do **not** attend the class, the judge may **not** give you the relief you requested, and you may be denied the right to modify or enforce the provisions of any judgment, order or decree, until you have completed the class.

If you have questions concerning the Parent Information Program class, call 602-506-1448.